IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI

WEDNESDAY, THE 20TH DECEMBER 2006 / 29TH AGRAHAYANA 1928

Crl.Rev.Pet.No.56 of 1998(c)

CRL.A.NO.181/1995 OF THE COURT OF THE SESSIONS JUDGE, THODUPUZHA.

C.C.466/1992 OF THE COURT OF THE JUDICIAL MAGISTRATE OF THE 1ST CLASS, ADIMALY.

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REVISION PETITIONERS/APPELLANTS/ACCUSED:-

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1. BABY, SON OF MATHAI, NIRAVATHU VEEDU, PEECHADU BHAGAM, MANNAMKANDAM VILLAGE, DEVIKULAM TALUK.

2. KUNJUMON, SON OF MATHAI, NIRAVATHU VEEDU, PEECHADU BHAGOM, MANNAMKANDAM VILLAGE, DEVIKULAM TALUK.

BY ADV. SRI.S.RADHAKRISHNAN
SMT.BINDU RAGHAVAN

RESPONDENTS/RESPONDENTS/COMPLAINANTS:-

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1. THE FOREST RANGE OFFICER, ADIMALY.

2. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.RAVINDRA BABU.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 20/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.K.BALI, C.J.

Crl. R.P. No.56 of 1998

Dated this the 20th day of December, 2006.

ORDER

V.K.Bali,C.J.(Oral)

Petitioners were held guilty for offences under Sections 27(1)(g) and 27(2)(c) of the Kerala Forest Act and sentenced to undergo simple imprisonment for three months and to pay a fine of Rs.500/- each and in default of payment of fine to undergo simple imprisonment for one month more for offence under Section 27(1)(g) of the Kerala Forest Act, vide order dated 20th September, 1995 passed by the Judicial Magistrate of the Ist Class, Adimaly. The appeal carried against the order aforesaid was dismissed by the learned Sessions Judge, Thodupuzha vide order dated 19th November, 1997. It is against these two orders that the present revision has been filed.

2. Briefly, the allegation against the petitioners was that on 30.3.1992 and its previous day they trespassed into the Malayattoor Reserve Forest at Noorankara Bhagam, cut down one Punnappa and Vella Akhil tree and attempted to remove the same causing a loss of Rs.1000/- to the Government.

2. The learned counsel appearing for the petitioners without joining issues on the merits of the case contends that the occurrence pertains to the year 1992 and in the manner aforesaid the petitioners have already undergone agony of a protracted trial spanned over a period of more than 14 years and at this distance of time they may not be sent to serve a jail term.

3. In totality of the facts and circumstances of the case, this Court is of the view that interests of justice will be served if while maintaining the order of conviction the petitioners are asked to pay a total fine of Rs.2500/- (Rs.two thousand five hundred) instead of undergoing the jail term. Ordered accordingly. In case the fine as mentioned above is not paid the petitioners would undergo the jail term as imposed by the courts below.

Revision petition is disposed of accordingly.

V.K. BALI,
Chief Justice.

vns.